

Amendment  
Serial No. 10/720,081  
Attorney Docket No. 053434

**REMARKS**

Claims 1-33 are pending in the present application. Claims 1-14 and 24-29 and are rejected. Claims 1, 4, 5, 13, 14 and 24 are herein amended.

**Claim Rejections – 35 U.S.C. §103**

**Claims 1-3 were rejected under 35 U.S.C. §103(a) as being unpatentable over Koji (JP 11-105157) in view of Sims (U.S. Patent No. 4,385,090).**

It is the position of the Office Action that Koji discloses the invention as claimed, with the exception of (a) the decorative layer being higher than the molding main body in hardness and melt temperature and (b) heating and softening while maintaining a condition in which the decorative layer is harder than the molding main body. The Office Action relies on Sims to provide these teachings.

In the Amendment filed on July 18, 2006, Applicants submitted that the combination of Koji and Sims was improper for several reasons. First, Applicants submitted that Koji only discloses a single thermoplastic resin, which is softened to the same degree on both sides. In response, the Office Action states that “one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references.” Applicants respectfully clarify that Applicants’ position is not that references are lacking the teachings individually, but that there is no motivation to combine the references. In other words, since Koji discloses a single thermoplastic resin which is softened to the same degree on both sides, there is no suggestion or motivation to modify the method of Koji to replace this single thermoplastic

Amendment  
Serial No. 10/720,081  
Attorney Docket No. 053434

resin softened to the same degree on both sides with a two-layered article which is asserted to have differing degrees of softness on each side. Rather, Applicants respectfully submit that the combination of Koji and Sims is the result of impermissible hindsight.

Next, Applicants submitted in the previous Amendment that Koji teaches a plurality of dies and stations, whereas the present invention only utilizes a single fixed die. Applicants stated that the movement between these dies and stations would cause the moldings to be displaced. In response to this, the Office Action states that “Applicants have not provided any evidence to establish that mere movement between stations would provide detrimental effects.” Page 11 of the Office Action dated September 26, 2006. Applicants respectfully submit that this movement of dies would cause the molding to be displaced from the die. Moreover, the molding apparatus needs to become larger in size. Both may be considered detrimental effects. In contrast, the claimed invention uses only one fixed die and does not cause such a problem.

Additionally, Applicants herein amend claim 1 in order to clarify the claimed subject matter. First, Applicants herein amend claim 1 in order to recite that the main body and the decorative layer are “formed integrally by co-extrusion.” See, for example, page 20, lines 1-3. On the other hand, Sims is different from the claimed invention in that the covering material 10 is laminated on the surface of the block 12 by flame-bonding. See column 2, lines 34-37. In Sims, the covering material 10 and block 12 are separated manufactured, then flame-bonded. Thus, the combination of Koji and Sims does not disclose the invention as claimed, where the main body and decorative layers are co-extruded.

Amendment  
Serial No. 10/720,081  
Attorney Docket No. 053434

Further, Applicants herein amend claim 1 in order to clarify that the recited press forming is done “which maintaining a condition in which the decorative layer is harder than the molding main body.” Please see, for instance, page 31, line 23 to page 32, line 11. On the other hand, in Koji, the press-forming is performed when the front surface and the back surface are the same in hardness. Therefore, Applicants respectfully submit that claims 1-3 are patentable over the cited art for at least the above reasons. Favorable reconsideration is respectfully requested.

**Claim 4 was rejected under 35 U.S.C. §103(a) as being unpatentable over Koji in view of Sims and further in view of Costello (U.S. Patent No. 3,655,173).**

It is the position of the Office Action that the combination of Koji and Sims discloses the invention as claimed, with the exception of a reflecting mirror and a lamp being farther than the focal length. The Office Action relies on Costello to provide this teaching.

The Office Action characterizes Applicants’ previous comments regarding claim 4 as follows: “Costello fails to provide the subject matter of Claim 5, and there is no motivation for the combination. Koji has no focal point.” It appears that the Office Action’s mentioning of claim 5 is in error, since claim 5 is an independent claim irrelevant to this rejection.

With regard to Applicants’ position that Koji lacks a focal point, the Office Action states that “Applicant’s remarks appear to assert that Koji is without teaching of a reflector, but element 30 in Figure 4 appears to function as a reflector.” In response, Applicants respectfully submit that in Figure 4 of Koji, element 30 is a heater case, element 32 is a heating source, and the

Amendment  
Serial No. 10/720,081  
Attorney Docket No. 053434

unlabelled horizontal object is a heat shielding member. Heater case element 30 cannot be characterized as a reflector.

However, even if the heater case 30 is characterized as a reflector, it does not have a focal point. The heater case 30 is shaped in a U-shape. Such a shape cannot produce a focal point, since the infrared beams are only emitted perpendicular to the heating source 32. Even if the infrared beams reflected off the heater case 30, they would not form a focal point, since the heater case 30 is not spherical, parabolic, elliptical or hyperbolic in shape. Thus, Koji does not disclose infrared beams forming a focal point. Rather, Koji achieves specificity of heating by using a heat shielding plate as illustrated in Sketch 1 submitted with the Amendment dated July 18, 2006. Since Koji does not disclose a reflector or a focal point, the combination of references does not disclose or suggest the invention as claimed. Applicants respectfully traverse this rejection. Favorable reconsideration is respectfully requested.

**Claims 5-12 were rejected under 35 U.S.C. §103(a) as being unpatentable over Koji in view of Sims and Loy (U.S. Patent No. 3,830,680).**

It is the position of the Office Action that Koji discloses the invention as claimed, with the exception of (a) the decorative layer being higher than the molding body in hardness and melt temperature, (b) heating and softening while maintaining a condition in which the decorative layer is harder than the molding main body, and (c) moving the movable punch obliquely toward the die. The Office Action relies on Sims and Loy to provide these teachings.

Amendment  
Serial No. 10/720,081  
Attorney Docket No. 053434

In response, Applicants first submit that claims 5-12 are patentable over the combination of Koji and Sims for at least the same reasons as those discussed with regard to claims 1-3. Furthermore, Applicants note that in the response to the previous Office Action, Applicants submitted that Loy does not teach a molding main body and ornamental layer integrally formed thereon, and that Loy teaches multiple stations. With regard to Loy, it appears that the Office Action refers to the forming die 70. This is used in order to laminate plastic sheet material to a countertop 15. In response, Applicants submit that the use of such a device would be inappropriate for the formation of molding, since a cavity is not formed. Instead, Loy is merely directed to a device used to attach a pre-formed laminate sheet of plastic to a counter top by applying pressure at selected points. Therefore, Loy should be withdrawn from rejection for the same reason as Anderson being withdrawn from the rejection of claims 24-29.

Finally, Applicants respectfully submit that since Koji discloses moving the resin to different stations by rotative movement, there is no suggestion or motivation to utilize the teachings of Loy, which disclose moving a resin to different stations by linear movement. Therefore, Applicants submit that claims 5-12 are patentable for at least the above reasons. Favorable reconsideration is respectfully requested.

**Claims 13 and 14 were rejected under 35 U.S.C. §103(a) as being unpatentable over Koji in view of Hideyasu (JP 2001-088155) and Sims.**

It is the position of the Office Action that Koji discloses the invention as claimed, with the exception of (a) extrusion molding a molding body including a molding main body, integrally

Amendment  
Serial No. 10/720,081  
Attorney Docket No. 053434

laminated with a decorative layer, and a leg portion and a pair of protruding portions, the pair of protruding portions each protruding from one of both sides of the leg portion in a width direction of the molding main body, (b) cutting the molding body into a cut piece having a predetermined length, (c) removing the protruding portions from a back side of an end portion of the cut piece to form a first region thereon; and removing the protruding portions and the leg portion from a second region consecutive with a distal side of the first region to form a step, (d) the decorative layer being higher than the molding main body in hardness and melt temperature, (e) heating and softening while maintaining a condition in which the decorative layer is harder than the molding main body, and (f) positioning the cut piece in a longitudinal direction thereof by bringing the step into contact with the fixed die. The Office Action relies on the combination of Hideyasu and Sims to teach (a), on Hideyasu to teach (b) and (c), on Sims to teach (d) and (e), and on Koji or Hideyasu to teach (f).

In the Amendment filed on July 18, 2006, Applicants submitted that Hideyasu does not teach a main body which is different from and lower in hardness than the surface layer. Applicants stated that applying Hideyasu to a molding process would make the process inoperable due to the line that would form. This was illustrated by Sketch 2 submitted with the Amendment. In response, the Office Action states that “Applicant questions the operability of the reference to Hideyasu, but this is not a question for the Examiner to consider and instead the Examiner asserts that the reference is prior art for all that it teaches.”

In response, Applicants first submit that the combination of Koji, Hideyasu and Sims is improper for the same reasons as those discussed with regard to independent claims 1 and 5.

Amendment  
Serial No. 10/720,081  
Attorney Docket No. 053434

Further, Applicants respectfully point out that “a reference is presumed operable until applicant provides facts rebutting the presumption of operability.” MPEP §2121.02. As noted above, Applicants provided such facts in Sketch 2. According to MPEP §§ 2143.01 and 2145, the claimed combination cannot change the principle of operation of the primary reference or render the reference inoperable for its intended purpose. Thus, Applicants respectfully submit that the operability of the combination is a factor for the Office to consider.

Additionally, Applicants note that claims 13 and 14 are herein amended in order to correct errors in the claims. Further, Applicants respectfully submit that Koji fails to disclose that the cross section of the molding includes a leg portion and a protrusion. Koji also fails to disclose or suggest the formation of the first region and the second region. Therefore, for at least the above reasons, Applicants respectfully submit that claims 13 and 14 are patentable over the combination of cited references. Favorable reconsideration is respectfully requested.

**Claims 24-29 were rejected under 35 U.S.C. §103(a) as being unpatentable over Davies (U.S. Patent No. 2,500,895) in view of Hideyasu.**

It is the position of the Office Action that Davies discloses the invention as claimed, with the exception of heating and softening the end portion and reducing the volume of the cavity while keeping the vicinity of a bending center portion of the end bending portion in a fluid state. The Office Action relies on Hideyasu to provide these teachings.

In response, Applicants respectfully submit that Davies does not disclose a “fixed die” as recited by claim 24. Instead, upper die member J and annular die member J<sup>3</sup> are moved by ram

Amendment  
Serial No. 10/720,081  
Attorney Docket No. 053434

member C, while die members G and H are moved by ram member D. See column 3, lines 22-35. Thus, all members of Davies are movable. Furthermore, Davies discloses that the upper die member J and annular die member J<sup>3</sup>, both for forming an ornamental side, are divided.

Similarly, Hideyasu also only discloses movable dies. Hideyasu discloses that all of the upper die 35, slide die 27 and elevating die 25 are movable. Additionally, Hideyasu discloses that the side slide die 27, the lower die 21 and the elevating die portion 25 are divided. In Hideyasu, the main body portion 22 of the lower die 21 is fixed. However, this main body portion 22 is a base portion that is not used for press-forming.

Due to this, both Davies and Hideyasu have a problem that the outer appearance may be deteriorated by parting lines and burrs along the divisional lines in the bending portions. See Sketch 2, submitted in the Amendment of July 18, 2006. Furthermore, Applicants herein amend claim 24 in order to recite “a first movable punch having a sandwiching portion integrally formed with a front forming surface.” This structural feature directly relates to the method of making the molding such that no division line occurs at the bending portion. Accordingly, for at least the above reasons, Applicants respectfully submit that the combination of references does not disclose or suggested the invention as claimed. Favorable reconsideration is respectfully requested.

For at least the foregoing reasons, the claimed invention distinguishes over the cited art and defines patentable subject matter. Favorable reconsideration is earnestly solicited.

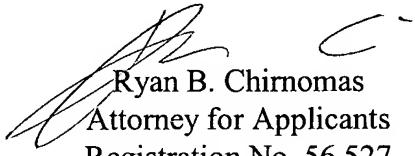
Amendment  
Serial No. 10/720,081  
Attorney Docket No. 053434

Should the Examiner deem that any further action by applicants would be desirable to place the application in condition for allowance, the Examiner is encouraged to telephone applicants' undersigned attorney.

If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

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